

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING

In the Matter of:

THE APPLICATION OF KENTUCKY)	
PIONEER ENERGY, LLC FOR A)	
CONSTRUCTION CERTIFICATE)	CASE NO. 2002-00312
PURSUANT TO KRS 278.704(1) TO)	
CONSTRUCT A MERCHANT)	
ELECTRIC GENERATING FACILITY)	

O R D E R

On August 11, 2003, Charles T. Walters filed, pursuant to KRS 278.712(6), a motion to intervene in this proceeding.

KRS 278.712(4) provides that any interested person may, upon motion to the Board, be granted leave to intervene as a party to a Board proceeding. Section 4(2) of 807 KAR 5:110(E) directs the Board to grant a motion to intervene if the movant has shown that he has a special interest or that his participation will assist the Board in reaching its decision and would not unduly interrupt the proceeding.

Mr. Walters is a landowner and resident of Clark County. Because this proceeding will examine issues related to local planning and zoning, the Board finds that Mr. Walters' participation would assist the Board in rendering its decision. Furthermore, because Mr. Walters does not intend to file information requests or request alteration of the established procedural schedule, the Board finds that his participation will not unduly complicate or interrupt the proceeding.

The Board takes notice of the objection filed by Kentucky Pioneer Energy, LLC ("Kentucky Pioneer"). Kentucky Pioneer contends that Mr. Walters' failure to move for intervention within 30 days of Kentucky Pioneer's completed application should prevent Mr. Walters' participation in this proceeding. However, because the Board's inquiry into Kentucky Pioneer's compliance with local planning and zoning ordinances is external to the Board's initial siting determination,¹ the Board finds that 807 KAR 5:110(E) does not bar Mr. Walters' intervention at this time. However, to the extent that our regulations require a movant to file for intervention within 30 days of a completed application, we hereby waive that requirement.

IT IS HEREBY ORDERED that:

1. Mr. Walters' motion to intervene is granted. Mr. Walters shall limit his participation to local planning issues and shall accept the existing procedural schedule.
2. Mr. Walters shall be served with the Board's Orders and all other documents submitted by parties after the date of this Order.

¹ The Board denied Kentucky Pioneer's application on April 16, 2003.

Done at Frankfort, Kentucky, this 18th day of August, 2003.

By the Board

ATTEST:

A handwritten signature in black ink, appearing to read "Thomas H. Doherty", written over a horizontal line.

Executive Director
Public Service Commission
on behalf of The Kentucky State Board on
Electric Generation and Transmission Siting